IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B. CIVIL WRIT PETITION No.6782/2002
PRITHVIRAJ V/S STATE OF RAJ. & OTHERS

DATE OF ORDER ::: 14.3.2007

PRESENT

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri S.K. Jindal for the petitioner.
Shri H.V. Nandwana, Dy. Government Advocate.

This writ petition has been filed against the order dated 28.6.2002 passed by the Assistant Conservator of Forest, Jhalawar whereby he in exercise of powers delegated to him under section 91 of the Land Revenue Act, has ordered for ejectment of the petitioner from the land of reserve forest and imposed penalty of Rs.375/-. According to this order, the petitioner was trespasser over the land of Khasra No.6 in revenue village Manpura measuring 6 bighas and 4 bishwas which was a land of reserve

forest. The petitioner has assailed the validity of this order on the premises that being the member of Scheduled Tribe, he is entitled to certain rights even in respect of the land of a reserved forest which is in his possession. Even on the Government land his possession was required to be regularised as per policy of the Government. The learned counsel for the petitioner submitted that subsequent to filing the writ petition, the Parliament has amended the Indian Forest Act 1927 so as to confer certain benefits to the members of the ST and therefore the petitioner's possession over the land is required to be regularised.

Shri H.V. Nandawana, learned Deputy Government Advocate submitted that the land in dispute being part of a duly notified reserve forest, there was no question of regularisation of possession over such

land. He relied on the judgment of the Hon'ble Supreme Court in T.N. Godavarman v/s Union of India – 1997 Vol.II SCC 267 in which it was held that the Forest Conservation Act 1980 has been enacted to check deforestation and it applies to all forests irrespective of nature of ownership or classification thereof. He argued that the Hon'ble Supreme Court passed a number of judgments requiring the State Government to preserve the forest land which is natural wealth of the nation.

I have heard the learned counsel for the parties and perused of the material on record.

The order of eviction of the petitioner was passed by the Assistant conservator of Forest in exercise of powers conferred upon him u/s 91 of the Rajasthan Land Revenue Act 1956 because the petitioner had encroached

upon the land measuring 6 bighas and 4 bishwas which was in the reserve forest. Government circulars proclaiming its policy of regularisation of encroachment even on Government land cannot apply to the land of reserve forest.

In the facts of the case, I do not find any error in the impugned order. The writ petition is dismissed.

(Mohammad Rafiq),J.

Chauhan/